

REMARKS

The Office Action mailed December 16, 2003 has been received and the Examiner's comments carefully reviewed. Claim 1-10, 19-23, and 28-38 have been allowed. Applicants thank the Examiner for this notification. Claims 11, 20, 24 and 29 have been amended. Claims 39-41 have been added. No new subject matter has been added. Claim 12 has been cancelled. Claims 1-3, 5-8, 10-11, 13-41 are currently pending. Applicants respectfully submit that the pending claims are in condition for allowance.

Rejections Under 35 U.S.C. §102

I. The Examiner rejected claims 11 and 13 under 35 U.S.C. §102(e) as being anticipated by Vander Velde (U.S. Patent 6,437,244). Applicants respectfully traverse this rejection, but have amended claim 11 to advance this application to allowance. Applicants reserve the right to pursue the original subject matter via a continuing application.

Claim 11 has been amended to incorporate the subject matter of objected-to claim 12. Applicants respectfully submit that claims 11 and 13 are now in condition for allowance.

II. The Examiner also rejected claims 14, 15, 27 under 35 U.S.C. §102(e) as being anticipated by Vander Velde (U.S. Patent 6,437,243). Applicants respectfully traverse this rejection.

A. Claims 14 and 15

Claim 14 recites a hinge piece for hingedly mounting a cover plate to a cable trough. The hinge piece includes first and second arms coupled by a middle member. The middle member and arms together form a U-shaped recess for receiving a sidewall of the trough. The hinge piece also includes a detent pocket for releasably receiving a pivot member of the cover plate.

Vander Velde does not disclose all the structural limitations of the hinge piece recited in claim 14. It is unclear as to what structure the Examiner has characterized as a hinge piece. With regards to the Examiner's reference number citations, it appears a

flange 54 of a cover 40, a cavity 58, and a latch 52 of the cover are being combined to form a hinge piece. These components combined do not "together form[] a U-shaped recess for receiving a sidewall of the trough between the first and second arms," as recited in claim 14.

To address possible interpretations of the Examiner's rejection, if the hook 44 of the cover 40 were to be characterized as a hinge piece, the hook 44 does not have "a detent pocket for releasably receiving a pivot member" of the cover 40. Rather the hook 44 is part of the cover 40 and does not receive a cover pivot member.

In addition, if the hook 30 of the base 20 were to be characterized as a hinge piece, the hook 30 does not have "a U-shaped recess for receiving a sidewall of the trough between the first and second arms." Rather, the hook 30 is part of the sidewall of the base 20 and does not receive a sidewall.

At least for these reasons, Applicants respectfully submit that claims 14 and 15 are patentable.

B. Claim 27

Claim 27 recites a method of covering a cable trough having two sidewalls. The method includes positioning a hinge piece so one of the sidewalls of the cable trough is received in a U-shaped recess of the hinge piece. The U-shaped recess is formed by first and second arms coupled by a middle member. Claim 27 further recites snapping a pivot member of a cover piece into a detent pocket of the hinge piece.

Vander Velde does not disclose all the structural limitations recited in claim 27. The side wall 24' (i.e. hook 30) of the base 20 of Vander Velde is received within the hook 44 of the cover 40. The hook 44 of the cover 40 does not also include a detent pocket that provides for snapping a pivot member of a cover piece into the detent pocket.

At least for this reason, Applicants respectfully submit that claim 27 is patentable.

III. The Examiner also rejected claim 24 under 35 U.S.C. §102(e) as being anticipated by Carlson Jr. et al. (U.S. Patent 5,942,729). Applicants respectfully traverse this rejection, but have amended claim 24 to advance this application to allowance. Applicants reserve the right to pursue the original subject matter via a continuing application.

Claim 24 recites a hinge pedestal for mounting a cover plate to a cable trough. The pedestal has a base selectively positionable within the cable trough, and an upstanding wall extending from the base.

Carlson discloses a raceway 10 having a U-shaped channel 24. The channel 24 is defined by a base 20 and sides 30. The sides 30 each include an arm 42 and a post 44 that form a retaining area 46 for receipt of a cover 22.

Carlson does not disclose a pedestal having a base that is selectively positionable within the U-shaped channel 24. Carlson only discloses side walls that define integral receiving areas, not a pedestal having a selectively positionable base.

At least for this reason, Applicants respectfully submit that claim 24 is patentable.

Allowable Subject Matter

Claims 1-10, 19-23, 28-38 are allowed. Applicants thank the Examiner for this notification. (It is noted that claim 4 and 9 were cancelled in an Amendment dated March 4, 2003.)

The Examiner objected to claims 12, 16-18, 25, 26, but indicated that claims 12, 16-18, 25, 26 would be allowable if rewritten in independent form incorporating all the limitations of the base claim and any intervening claims. Applicants thank the Examiner for this notification.

Claim 11 has been amended to incorporate the subject matter of objected-to claim 12. New claim 39 incorporates the subject matter of objected-to claim 25 and base claim 24. New claim 40 incorporates the subject matter of objected-to claim 26 and base claim 24. Applicants respectfully submit that claims 11, 39 and 40 are in condition for allowance.

New claim 41

New claim 41 is similar to claim 11 and further clarifies that the at least one slot has closed ends. The Examiner rejected claim 11 stating that Vander Velde discloses "at least one slot (opening in pivot post for receiving element 34)." Applicants submit that Vander Valde does not teach or suggest a slot having closed ends. Rather, the "slot" of

Vander Valde defined between the hook 42 and the flange 50 of the cover 40 has open ends. At least for this reason, Applicants respectfully submit that claim 41 is patentable.

SUMMARY

It is respectfully submitted that each of the presently pending claims (claims 1-3, 5-8, 10-11, 13-41) is in condition for allowance and notification to that effect is requested. The Examiner is invited to contact Applicants' representative at the below-listed telephone number if it is believed that prosecution of this application may be assisted thereby.

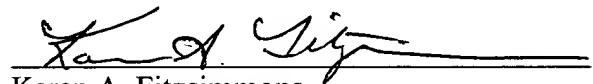
Although certain arguments regarding patentability are set forth herein, there may be other arguments and reasons why the claimed invention is patentably distinct. Applicants reserve the right to raise these arguments in the future.

Respectfully submitted,



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